

HOUSE BILL NO. 312

INTRODUCED BY LANGE, MCGILLVRAY, SALES

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II OF THE MONTANA CONSTITUTION TO PROVIDE FOR THE CONSTITUTIONAL RIGHTS OF PARENTS TO THE CARE, CUSTODY, AND CONTROL OF THEIR MINOR CHILDREN AND TO CONTROL AND DIRECT THE EDUCATION AND UPBRINGING OF THEIR CHILDREN."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Article II of The Constitution of the State of Montana is amended by adding a new section 36 that reads:

**Section 36. Rights of parents.** Parents have the FUNDAMENTAL right to the CARE, custody, AND CONTROL of their minor children ~~and the right to control and direct their education, religious training, social training and contacts, and general upbringing.~~ These rights may not be infringed by the state ~~or a political subdivision of the state~~ without a compelling state interest ~~of the highest order.~~ Failure to mention a right of a parent in this section does not exclude another right of parents regarding their children. ~~This section applies to parents whose marriage has been dissolved to the extent possible.~~ The legislature may implement this section by appropriate legislation.

NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2008 by printing on the ballot the full title of this act and the following:

- FOR providing that parents have a constitutional right to the CARE, custody, and control of their minor children.
- AGAINST providing that parents have a constitutional right to the CARE, custody, and control of their minor children.

- END -

